

Draft – For Discussion Purposes Only

4/10/06

Title 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT Division 240 – Public Service Commission Chapter 20 – Electric Utilities

PROPOSED RULE

4 CSR 240-20.090 Fuel and Purchased Power Adjustment Cost Recovery Mechanisms

PURPOSE: This rule sets forth the definitions, structure, operation, and procedures relevant to the filing and processing of applications to reflect prudently incurred fuel and purchased power costs through a fuel adjustment clause allowing periodic rate adjustments outside general rate proceedings or an interim energy charge.

(1) Definitions. As used in this rule, the following terms mean as follows:

(A) Electric utility means electrical corporation as defined in section 386.020, RSMo, subject to commission regulation pursuant to Chapters 386 and 393, RSMo.

(B) Fuel and purchased power costs means fuel and purchased power costs, including transportation costs, prudently incurred and used by an electric utility. Fuel and purchased power costs also include, if not inconsistent with a commission approved incentive plan, prudently incurred actual costs including any net cash payments or receipts associated with hedging instruments tied to specific volumes of fuel and associated transportation costs.

1. If off-system sales revenues are not reflected in the rate adjustment mechanism, fuel and purchased power cost only reflect the prudently incurred fuel and purchased power costs necessary to serve the electric utility's Missouri retail customers.

2. If off-system sales revenues are reflected in the rate adjustment mechanism, fuel and purchased power costs reflect both:

A. The prudently incurred fuel and purchased power costs necessary to serve the electric utility's Missouri retail customers; and,

B. The prudently incurred fuel and purchased power costs associated with the electric utility's off-system sales.

(C) FAC adjustment means the increase or decrease in the electric utility's bundled retail rates due to the application of the FAC mechanism.

(D) Fuel adjustment clause (FAC) means a mechanism established in a general rate proceeding that allows periodic rate adjustments, outside a general rate proceeding, to reflect increases and decreases in an electric utility's prudently incurred fuel and purchased power costs. The FAC may or may not include off-system sales revenues and associated costs. The commission shall determine whether or not to reflect off-system sales revenues and associated costs in a FAC in the general rate proceeding that establishes, continues or modifies the FAC.

(E) General rate proceeding means a general rate increase proceeding or complaint proceeding before the commission in which all relevant factors that may affect the costs, or rates and charges of the electric utility are considered by the commission.

(F) Initial rate adjustment mechanism rules mean the rules first adopted by the commission to implement Senate Bill 179 of the Laws of Missouri 2005.

(G) Interim energy charge (IEC) means a refundable fixed charge, established in a general rate proceeding, that permits an electric utility to recover some or all of its fuel and purchased power costs separate from its base rates. An IEC may or may not include off-system sales and revenues and associated costs. The commission shall determine whether or not to reflect off-system sales revenues and associated costs in an IEC in the general rate proceeding that establishes, continues or modifies the IEC.

(H) Rate adjustment mechanism means fuel adjustment clause or interim energy charge.

(I) Staff means the staff of the public service commission.

(J) True-up year means the twelve month period beginning on the first day of the first calendar month following the effective date of the commission order approving a rate adjustment mechanism unless the effective date is on the first day of the calendar month. If the effective date of the commission order approving a rate mechanism is on the first day of a calendar month, then the true-up year begins on the effective date of the commission order. The first annual true-up period shall end on the last day of the twelfth calendar month following the effective date of the commission order establishing the rate adjustment mechanism. Subsequent true-up years shall be the succeeding twelve-month periods. If a general rate proceeding is concluded prior to the conclusion of a true-up year the true-up year may be less than twelve (12) months.

(2) Applications to Establish a Rate Adjustment Mechanism. Pursuant to the provisions of this rule, 4 CSR 240-2.060 and section 386.266, RSMo, any electric utility in a general rate proceeding may file an application with the commission to establish a rate adjustment mechanism by filing tariff schedules. The commission shall approve, modify or reject such applications to establish a rate adjustment mechanism only after providing the opportunity for a full hearing in a general rate proceeding. The commission shall consider all relevant factors that may affect the costs or overall rates and charges of the petitioning electric utility.

(A) The commission may approve the establishment of a rate adjustment mechanism and associated rate schedules provided that it finds that the proposed rate adjustment mechanism is reasonably designed to provide the electric utility with a sufficient opportunity to earn a fair return on equity and so long as the rate schedules filed to implement the rate adjustment mechanism conform to the rate adjustment mechanism approved by the commission.

(B) The commission may take into account any change in business risk to the corporation resulting from implementation of the rate adjustment mechanism in setting the electric utility's allowed return in any rate proceeding, in addition to any other changes in business risk experienced by the electric utility.

(C) The electric utility shall include in its initial notice to customers regarding the general rate case, a commission approved description of how the costs passed through the proposed rate adjustment mechanism requested shall be applied to monthly bills.

(D) Any party to the general rate proceeding may oppose the establishment of a rate adjustment mechanism.

(E) Any party to the general rate proceeding may propose for the commission's consideration alternative rate adjustment mechanisms including but not limited to modifications to the electric utility's proposed rate adjustment mechanism.

(F) The rate adjustment mechanism shall be based on historical fuel and purchased power costs.

(G) The electric utility shall meet the filing requirements in 4 CSR 240-3.161(1).

(3) Applications to Continue or Modify a Rate Adjustment Mechanism. Pursuant to the provisions of this rule, 4 CSR 240-2.060 and section 386.266, RSMo, any electric utility with a rate adjustment mechanism must file a general rate proceeding with the commission in order to continue or modify its rate adjustment mechanism. The commission shall approve, modify or reject such applications only after providing the opportunity for a full hearing in a general rate proceeding. The commission shall consider all relevant factors that may affect the costs or overall rates and charges of the petitioning electric utility.

(A) The commission may approve the continuation or modification of a rate adjustment mechanism and associated rate schedules provided that it finds that the rate adjustment mechanism it approves is reasonably designed to provide the electric utility with a sufficient opportunity to earn a fair return on equity and so long as the rate schedules filed to implement the rate adjustment mechanism conform to the rate adjustment mechanism approved by the commission.

(B) The commission may take into account any change in business risk to the corporation resulting from implementation of the rate adjustment mechanism in setting the electric utility's allowed return in any rate proceeding, in addition to any other changes in business risk experienced by the electric utility.

(C) The electric utility shall include in its initial notice to customers regarding the general rate case, a commission approved description of the rate adjustment mechanism requested.

(D) Any party to the general rate proceeding may oppose the continuation or modification of a rate adjustment mechanism and/or propose for the commission's consideration alternative rate adjustment mechanisms including but not limited to continuation or modification of the rate adjustment mechanism.

(E) The rate adjustment mechanism shall be based on historical fuel and purchased power costs.

(F) The electric utility shall meet the filing requirements in 4 CSR 240-3.161(2).

(4) Application for Discontinuation of a Rate Adjustment Mechanism. The commission shall allow or require the rate schedules that define and implement a rate adjustment mechanism to be discontinued and withdrawn only after providing the opportunity for a full hearing in a general rate proceeding. The commission shall consider all relevant factors that affect the cost or overall rates and charges of the petitioning electric utility.

(A) Any party to the general rate proceeding may oppose the discontinuation of a rate adjustment mechanism and/or propose for the commission's consideration alternative rate adjustment mechanisms including the continuation of the previous rate

adjustment mechanism or modification of the electric utility's previous adjustment mechanism provided that it finds that it provides the electric utility with a sufficient opportunity to earn a fair rate of return on equity. Any rate adjustment mechanism proposed shall be based on historical fuel and purchased power costs.

(B) The commission may approve the discontinuation, continuation or modification of a rate adjustment mechanism and associated rate schedules provided that it finds that the proposed rate adjustment mechanism is reasonably designed to provide the electric utility with a sufficient opportunity to earn a fair return on equity and so long as the rate schedules filed to implement the rate adjustment mechanism conform to the rate adjustment mechanism approved by the commission.

(C) The commission may take into account any change in business risk to the corporation resulting from discontinuance of the rate adjustment mechanism in setting the electric utility's allowed return in any rate proceeding, in addition to any other changes in business risk experienced by the electric utility.

(D) The electric utility shall include in its initial notice to customers, regarding the general rate case, a commission approved description of why it believes the rate adjustment mechanism should be discontinued.

(E) The electric utility shall meet the filing requirements in 4 CSR 240-3.161(3).

(5) Periodic Adjustments of FACs. If an electric utility files proposed rate schedules to adjust its FAC rates between general rate proceedings, the staff shall examine and analyze the information filed by the electric utility in accordance with 4 CSR 240-3.161 and additional information obtained through discovery, if any, to determine if the proposed adjustment to the FAC is in accordance with the provisions of this rule, section 386.266, RSMo and the FAC mechanism established in the most recent general rate proceeding. The staff shall submit a recommendation regarding its examination and analysis to the commission not later than thirty (30) days after the electric utility files its tariff schedules to adjust its FAC rates. If the FAC rate adjustment is in accordance with the provisions of this rule, section 386.266 RSMo, and the FAC mechanism established in the most recent general rate proceeding, the commission shall either issue an interim rate adjustment order approving the tariff schedules and the FAC rate adjustments within sixty (60) days of the electric utility's filing or, if no such order is issued, the tariff schedules and the FAC rate adjustments shall take effect sixty (60) days after the tariff schedules were filed. If the FAC rate adjustment is not in accordance with the provisions of this rule, section 386.266 RSMo, or the FAC mechanism established in the most recent rate proceeding, the commission shall reject the proposed rate schedules within (60) days of the electric utility's filing and may instead order implementation of an appropriate interim rate schedule(s).

(A) An electric utility with a FAC shall file one mandatory adjustment to its FAC in each true-up year coinciding with the true-up of its FAC. It may also file one (1) to three (3) additional adjustments to its FAC within a true-up year with the timing and number of such additional filings to be determined in the general rate proceeding establishing the FAC and in general rate proceedings thereafter.

(B) The electric utility must be current on its submission of its Surveillance Monitoring Reports as required in section (11) and its monthly reporting requirements

as required by 4 CSR 240-3.161(4) in order for the commission to process the electric utility's requested FAC adjustment increasing rates.

(C) If the staff, Office of the Public Counsel (OPC) or other party which receives, pursuant to a protective order, the information that the electric utility is required to submit in 4 CSR 240-3.161 and as ordered by the commission in a previous proceeding, believes that the information required to be submitted pursuant to 4 CSR 240-3.161 and the commission order establishing the rate adjustment mechanism has not been submitted or is insufficient, it shall notify the electric utility within ten (10) days of the electric utility's filing of an application or tariff schedules to adjust the FAC rates and identify the information required. The electric utility shall supply the information identified by the party, or shall notify the party that it believes the information provided was responsive to the requirements, within ten (10) days of the request. If the electric utility does not timely supply the information, the party asserting the failure to provide the required information must timely file a motion to compel with the commission. While the commission is considering the motion to compel, the processing timeline for the adjustment to increase FAC rates shall be suspended. If the commission then issues an order requiring the information be provided, the time necessary for the information to be provided shall further extend the processing timeline for the adjustment to increase FAC rates. For good cause shown the commission may further suspend this timeline. Any delay in providing sufficient information in a request to decrease FAC rates shall not impact the processing timeline.

(6) True-ups of Rate Adjustment Mechanisms. An electric utility that files for a rate adjustment mechanism shall include in its tariff schedules and application, if filed in addition to tariff schedules, provision for true-ups on at least an annual basis which shall accurately and appropriately remedy any over-collection or under-collection through subsequent rate adjustments or refunds.

(A) The subsequent true-up rate adjustments or refunds shall include interest at the electric utility's short-term borrowing rate.

(B) The true-up adjustment shall be the difference between the historical fuel and purchased power costs intended for collection during the true-up period and billed revenues associated with the rate adjustment mechanism during the true-up period.

(C) The electric utility must be current on its submission of its Surveillance Monitoring Reports as required in section (11) and its monthly reporting requirements as required by 4 CSR 240-3.161(4) at the time that it files its application for a true-up of its rate adjustment mechanism in order for the commission to process the electric utility's requested annual true-up of any under-collection.

(D) The staff shall examine and analyze the information filed by the electric utility pursuant to 4 CSR 240-3.161 and additional information obtained through discovery, to determine whether the true-up is in accordance with the provisions of this rule, section 386.266, RSMo and the rate adjustment mechanism established in the electric utility's most recent general rate proceeding. The staff shall submit a recommendation regarding its examination and analysis to the commission not later than thirty (30) days after the electric utility files its tariff schedules for a true-up. The commission shall either issue an order deciding the true-up within sixty (60) days

of the electric utility's filing, suspend the timeline of the true-up in order to receive additional evidence and hold a hearing if needed or, if no such order is issued, the tariff schedules and the FAC rate adjustments shall take effect by operation of law sixty (60) days after the utility's filing.

1. If the staff, OPC or other party which receives, pursuant to a protective order, the information that the electric utility is required to submit in 4 CSR 240-3.161 and as ordered by the commission in a previous proceeding, believes the information that is required to be submitted pursuant to 4 CSR 240-3.161 and the commission order establishing the rate adjustment mechanism has not been submitted or is insufficient to make a recommendation regarding the electric utility's true-up filing, it shall notify the electric utility within ten (10) days of the electric utility's filing and identify the information required. The electric utility shall supply the information identified by the party, or shall notify the party that it believes the information provided was responsive to the requirements, within ten (10) days of the request. If the electric utility does not timely supply the information, the party asserting the failure to provide the required information must timely file a motion to compel with the commission. While the commission is considering the motion to compel the processing timeline for the adjustment to the FAC rates shall be suspended. If the commission then issues an order requiring the information to be provided, the time necessary for the information to be provided shall further extend the processing timeline. For good cause shown the commission may further suspend this timeline.

A. If the party requesting the information can demonstrate to the commission that the adjustment shall result in a reduction in the FAC rates, the processing timeline shall continue with the best information available. When the electric utility provides the necessary information, the rate adjustment mechanism shall be adjusted again, if necessary, to reflect the additional information provided by the electric utility.

(7) Duration of Rate Adjustment Mechanisms and Requirement for General Rate Case. Once a rate adjustment mechanism is approved by the commission, it shall remain in effect for a term of not more than four (4) years unless the commission earlier authorizes the modification, extension, or discontinuance of the rate adjustment mechanism in a general rate proceeding, although an electric utility may submit proposed rate schedules to implement periodic adjustments to its FAC rates between general rate proceedings or complaint proceeding.

(A) If the commission approves a rate adjustment mechanism for an electric utility, the electric utility must file a general rate case with the effective date of new rates to be no later than four (4) years after the effective date of the commission order implementing the rate adjustment mechanism, assuming the maximum statutory suspension of the rates so filed.

1. The four year period shall not include any periods in which the electric utility is prohibited from collecting any charges under the adjustment mechanism, or any period for which charges collected under the adjustment mechanism must be fully refunded. In the event a court determines that the adjustment mechanism is unlawful and all moneys collected are fully refunded as a result of such a

decision, the electric utility shall be relieved of any obligation to file a rate case. The term fully refunded as used in this section does not include amounts refunded as a result of reductions in fuel or purchased power costs or prudence adjustments.

(8) Prudence Reviews Respecting Rate Adjustment Mechanisms. A prudence review of the costs subject to the rate adjustment mechanism shall be conducted no less frequently than at eighteen (18) month intervals.

(A) All amounts ordered refunded by the commission shall include interest at the electric utility's short-term borrowing rate.

(B) The staff shall submit a recommendation regarding its examination and analysis to the commission not later than one hundred eighty (180) days after the staff initiates its prudence audit. The timing and frequency of prudence audits for each rate adjustment mechanism shall be established in the general rate proceeding in which the rate adjustment mechanism is established. The staff shall file notice within ten (10) days of starting its prudence audit. The commission shall issue an order not later than two hundred ten (210) days after the staff commences its prudence audit if no party to the proceeding in which the prudence audit is occurring files, within one hundred ninety (190) days of the staff's commencement of its prudence audit, a request for a hearing.

1. If the staff, OPC or other party auditing the rate adjustment mechanism believes that insufficient information has been supplied to make a recommendation regarding the prudence of the electric utility's rate adjustment mechanism, it may utilize discovery to obtain the information it seeks. If the electric utility does not timely supply the information, the party asserting the failure to provide the required information must timely file a motion to compel with the commission. While the commission is considering the motion to compel the processing timeline shall be suspended. If the commission then issues an order requiring the information to be provided, the time necessary for the information to be provided shall further extend the processing timeline. For good cause shown the commission may further suspend this timeline.

A. If the timeline is extended due to an electric utility's failure to timely provide sufficient responses to discovery and a refund is due to the customers, the electric utility shall refund all imprudently incurred costs plus interest at the electric utility's short-term borrowing rate plus one percent (1%).

(9) Disclosure on Customers' Bills. Any amounts charged under a rate adjustment mechanism approved by the commission shall be separately disclosed on each customer's bill. Proposed language regarding this disclosure shall be submitted to the commission for the commission's approval.

(10) Rate Design of the Rate Adjustment Mechanism. The design of the rate adjustment mechanism rates may reflect differences in losses incurred in the delivery of electricity at different voltage levels for the electric utility's different rate classes. Therefore, the electric utility shall conduct a Missouri jurisdictional system loss study within twenty-four (24) months prior to the general rate proceeding in which it requests its initial rate adjustment mechanism. The electric utility shall conduct a Missouri

jurisdictional loss study no less often than every four (4) years thereafter, on a schedule that permits the study to be used in the general rate proceeding necessary for the electric utility to continue to utilize a rate adjustment mechanism.

(11) Submission of Surveillance Monitoring Reports. Each electric utility with an approved rate adjustment mechanism shall submit to staff, OPC and parties approved by the commission a Surveillance Monitoring Report in the form and having the content provided for by 4 CSR 240-3.161(5).

(A) The Surveillance Monitoring Report shall be submitted within fifteen (15) days of the electric utility's next scheduled United States Securities and Exchange Commission (SEC) 10-Q or 10-K filing with the initial submission within fifteen (15) days of the electric utility's next scheduled SEC 10-Q or 10-K filing following the effective date of the commission order establishing the rate adjustment mechanism.

(B) If the electric utility also has an approved environmental cost recovery mechanism, the electric utility must submit a single Surveillance Monitoring Report for both the environmental cost recovery mechanism and the rate adjustment mechanism.

(C) Upon a finding that a utility has knowingly or recklessly provided materially false or inaccurate information to the commission regarding the surveillance data prescribed in 4 CSR 240-3.161(5), after notice and an opportunity for a hearing, the Commission may suspend a fuel adjustment mechanism or order other appropriate remedies as provided by law.

(12) Incentive Mechanism or Performance Based Program. During a general rate proceeding in which an electric utility has proposed establishment, modification or discontinuation of a rate adjustment mechanism, or in which a rate adjustment mechanism may be allowed to continue in effect, any party may propose for the commission's consideration incentive mechanisms or performance based programs.

(A) The incentive mechanisms or performance based programs may or may not include some or all components of fuel and purchased power costs, designed to provide the electric utility with incentives to improve the efficiency and cost-effectiveness of its fuel and purchased power procurement activities.

(B) Any incentive mechanism or performance based program shall be structured to align the interests of the electric utility's customers and shareholders. The anticipated benefits to the electric utility's customers from the incentive or performance based program shall exceed the anticipated costs of the mechanism or program to the electric utility's customers. For this purpose, the cost of an incentive mechanism or performance based program shall include any increase in expense or reduction in revenue credit that increases rates to customers in any time period above what they would be without the incentive mechanism or performance based program.

(C) If the commission approves an incentive mechanism or performance based program, such incentive mechanism or performance based program shall be binding on the commission for the entire term of the incentive mechanism or performance based program.

(13) Pre-Existing Adjustment Mechanisms, Tariffs and Regulatory Plans. The provisions of this rule shall not affect:

(A) Any adjustment mechanism, rate schedule, tariff, incentive plan, or other ratemaking mechanism that was approved by the commission and in effect prior to the effective date of this rule; and

(B) Any experimental regulatory plan that was approved by the commission and in effect prior to the effective date of this rule.

(14) Nothing in this rule shall preclude a complaint case from being filed, as provide by law, on the grounds that a utility is earning more than a fair return on equity, nor shall an electric utility be permitted to use the existences of its rate adjustment mechanism as a defense to a complaint case based upon an allegation that it is earning more than a fair return on equity. If a complaint is filed on the grounds that a utility is earning more than a fair return on equity, the Commission shall issue a procedural schedule that includes a clear delineation of the case timeline no later than sixty (60) days from the date the complaint is filed.

(15) Rule Review. The commission shall review the effectiveness of this rule by no later than December 31, 2010, and may, if it deems necessary, initiate rulemaking proceedings to revise this rule.

(16) Waiver of Provisions of this Rule. Provisions of this rule may be waived by the commission for good cause shown after an opportunity for a hearing.

(17) Transitional Period Respecting Initial Rate Adjustment Mechanism Rules Promulgated and Adopted. The provisions of this subsection shall apply to electric utilities which have made application in a general rate proceeding, by filing, with the commission, rate schedules, direct testimony, information required by 4 CSR 240-3.161(1) and associated application, if any, seeking commission approval of a rate adjustment mechanism, prior to the promulgation of the initial rules that implement the application process for a rate adjustment mechanism.

(A) The electric utility shall file its rate schedules, direct testimony, the information required by 4 CSR 240-3.161(1) and associated application, if any, for a rate adjustment mechanism in accordance with the proposed initial rate adjustment mechanism rules as transmitted to the Secretary of State with the commission's notice of proposed rulemaking. If the initial rate adjustment mechanism rules adopted by the commission's final order of rulemaking are different from the proposed rules, the electric utility may amend its rate schedules, direct testimony, information required by 4 CSR 240-3.161(1) and application, if any, to conform them to the adopted rules, if the necessary amendments are filed in the general rate proceeding no later than fifteen (15) days after the commission issues an order adopting final rules and no later than one hundred thirty-five (135) days after the electric utility filed the rate schedules, direct testimony, information required by 4 CSR 240-3.161(1) and associated application, if any, that initiated the general rate proceeding. If the other provisions of this rule (4 CSR 240-20.090) and 4 CSR 240-3.161 are complied with, the commission shall determine whether the amendments filed on or before the one

hundred thirty-five (135) day amendment deadline are compliant with the initial rate adjustment mechanism rules adopted by the commission's final order of rulemaking and provide the parties to the general rate proceeding sufficient time for the opportunity for a fair hearing respecting the issues presented (including the request for a rate adjustment mechanism) in the general rate proceeding so that the rates and charges resulting from the general rate proceeding shall be based on a consideration of all relevant factors and shall be just, reasonable and not unduly discriminatory or preferential.

(B) If the electric utility chooses not to file any amendments to conform to the adopted rules on or before the one hundred thirty-five (135) day amendment deadline, then within that same one hundred thirty-five (135) day period the electric utility shall either request a waiver from specific requirements of the adopted rules and explain why a waiver should be granted or make a filing explaining in detail why no amendment or waiver should be found necessary. If the request for a waiver is granted, the electric utility need not comply with only the general rate proceeding filing requirements of the adopted rules for which a waiver is granted. If the request for a waiver is not granted, in whole or in part, the electric utility must, on a schedule set by the commission, amend or supplement its rate schedules, direct testimony, information required by 4 CSR 240-3.161(1) and associated application, if any, relating to the requested initial rate adjustment mechanism, to the extent necessary to conform to the adopted rules for which a waiver was not granted, in whole or in part. If the request for a waiver is not sought and the commission determines that amendment must be made by the electric utility, the electric utility must, on a schedule set by the commission, amend or supplement its rate schedules, direct testimony, information required by 4 CSR 240-3.161(1) and associated application, if any, relating to the requested initial rate adjustment mechanism, to the extent necessary to conform to the adopted rules for which a waiver was not sought. The commission shall consider the amended rate schedules, direct testimony, information necessary to amend the material provided pursuant to 4 CSR 240-3.161(1), and associated application, if any, if the commission determines that there is adequate time in the general rate proceeding to afford the parties the opportunity for a fair hearing respecting the issues presented (including the request for a rate adjustment mechanism) in the general rate proceeding so that the rates and charges resulting from the general rate proceeding shall be based on a consideration of all relevant factors and shall be just, reasonable and not unduly discriminatory or preferential.

(C) This section does not apply to the amendment or the adoption of rules to implement Senate Bill 179 of the Laws of Missouri 2005 subsequent to the rules first proposed and adopted by the commission to implement Senate Bill 179 of the Laws of Missouri 2005.

AUTHORITY: sections 386.250 and 393.140, RSMo 2000, and section 386.266, SB179, effective January 1, 2006.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Cully Dale, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the Commission's offices on or before **Month/Day/Year**, and should include a reference to Commission Case No. **EX-2006-####**. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the Commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for **Month/Day/Year**, at **Time** in Room **???** of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*